

ASSEMBLY BILL

No. 2430

Introduced by Assembly Member Maienschein

February 21, 2014

An act to amend Section 4530 of the Civil Code, relating to common interest developments.

LEGISLATIVE COUNSEL'S DIGEST

AB 2430, as introduced, Maienschein. Transfer disclosures.

The Davis-Stirling Common Interest Development Act requires an association, upon written request, to provide the owner of a separate interest, or a recipient authorized by the owner, with a copy of specific documents relating to transfer disclosures that the owner is required to make to a prospective purchaser of the owner's separate interest. That act authorizes the association to collect a reasonable cost for delivery of those documents but prohibits any additional fees for electronic delivery.

This bill would make technical, nonsubstantive changes to this provision.

Vote: majority. Appropriation: no. Fiscal committee: no.
State-mandated local program: no.

The people of the State of California do enact as follows:

- 1 SECTION 1. Section 4530 of the Civil Code is amended to
- 2 read:
- 3 4530. (a) (1) Upon written request, the association shall,
- 4 within 10 days of the mailing or delivery of the request, provide
- 5 the owner of a separate interest, or any other recipient authorized

1 by the owner, with a copy of *all of* the requested documents
2 specified in Section 4525.

3 (2) The documents required to be made available pursuant to
4 this section may be maintained in electronic form, and may be
5 posted on the association's Internet Web site. Requesting parties
6 shall have the option of receiving the documents by electronic
7 transmission if the association maintains the documents in
8 electronic form.

9 (3) Delivery of the documents required by this section shall not
10 be withheld for any reason nor subject to any condition except the
11 payment of the fee authorized pursuant to subdivision (b).

12 (b) (1) The association may collect a reasonable fee based upon
13 the association's actual cost for the procurement, preparation,
14 reproduction, and delivery of the documents requested pursuant
15 to this section. ~~Additional fees shall not be charged by the~~ *The*
16 *association shall not charge additional fees* for the electronic
17 delivery of the documents requested.

18 (2) Upon receipt of a written request, the association shall
19 provide, on the form described in Section 4528, a written or
20 electronic estimate of the fees that will be assessed for providing
21 the requested documents.

22 (3) (A) A cancellation fee for documents specified in
23 subdivision (a) shall not be collected if either of the following
24 applies:

25 (i) The request was canceled in writing by the same party that
26 placed the order and work had not yet been performed on the order.

27 (ii) The request was canceled in writing and any work that had
28 been performed on the order was compensated.

29 (B) The association shall refund all fees collected pursuant to
30 paragraph (1) if the request was canceled in writing and work had
31 not yet been performed on the order.

32 (C) If the request was canceled in writing, the association shall
33 refund the share of fees collected pursuant to paragraph (1) that
34 represents the portion of the work not performed on the order.

35 (4) Fees for any documents required by this section shall be
36 distinguished from other fees, fines, or assessments billed as part
37 of the transfer or sales transaction.

38 (c) An association may contract with any person or entity to
39 facilitate compliance with this section on behalf of the association.

1 (d) The association shall also provide a recipient authorized by
2 the owner of a separate interest with a copy of the completed form
3 specified in Section 4528 at the time the required documents are
4 delivered.

O